

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

SCOTT M. AFANADOR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:21-cv-00092-TWP-DML
	)	
COUNTY OF LAWRENCE,	)	
	)	
Defendant.	)	

**ENTRY SCREENING *PRO SE* COMPLAINT**

On June 8, 2021, Defendant County of Lawrence ("Defendant") removed this action from state court to this Court, asserting subject-matter jurisdiction pursuant to federal question jurisdiction because *pro se* Plaintiff Scott M. Afanador's ("Plaintiff") Complaint alleges a violation of his Fourth Amendment rights ([Filing No. 1 at 1](#)). The Notice of Removal states, "Given the *pro se* allegations, Defendant contends a screening of Plaintiff's claims pursuant to 28 U.S.C § 1915A is required." *Id.* at 2. The Court agrees that screening is appropriate.

"The court shall review . . . a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." 28 U.S.C § 1915A(a).

On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint—

(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted;

or

(2) seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C § 1915A(b).

In determining whether the complaint states a claim, the court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006).

To survive dismissal under federal pleading standards,

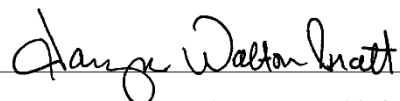
[the] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Thus, a "plaintiff must do better than putting a few words on paper that, in the hands of an imaginative reader, *might* suggest that something has happened to her that might be redressed by the law." *Swanson v. Citibank, N.A.*, 614 F.3d 400, 403 (7th Cir. 2010) (emphasis in original).

In this civil action, *pro se* Plaintiff brings a claim for damages against the Defendant for allegedly violating his rights secured by the Fourth Amendment by wrongfully detaining him for criminal charges he alleges were subsequently vacated (*see* [Filing No. 1-2](#)). At this time, the Court has not determined that the action must be dismissed pursuant to 28 U.S.C § 1915A and therefore **shall proceed**. This ruling is without prejudice to the filing of a proper Rule 12 motion.

**SO ORDERED.**

Date: 6/14/2021



Hon. Tanya Walton Pratt, Chief Judge  
United States District Court  
Southern District of Indiana

Distribution:

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